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SUBJECT: PROGRESS ON JUDICIAL REFORM IN JALISCO

REF: GUADALAJARA 226

¶1. Jalisco is moving forward on judicial reform under the new government of Emilio Gonzalez Marquez. With our encouragement back in April, Jalisco's Secretary General Fernando Guzman finally sent a letter dated June 17 in which the Government of Jalisco formally committed itself to pursue the implementation of oral trials in its penal and civil law system. This letter will facilitate Consulate and USAID assistance for their efforts.

¶2. On July 10 the Consul General met with professors from the Panamerican University who are involved in judicial reform issues, including the Governor's designated coordinator for promoting oral trials, Francisco Jimenez. We discussed the political problems that caused previous reform legislation to fail, and Jimenez outlined his plans to pursue a broad based approach with academics, lawyers, judges, and others to build popular support and craft a bill that will pass in the new State Legislature. Oral trials comprise one part of broader reforms that include alternative dispute resolution and mediation, which Jalisco is already starting to implement.

¶3. The group noted that although passage of oral trials legislation is destined to happen, practical obstacles must be overcome, including a generational divide among legal professionals. While younger lawyers, judges and students view oral trials as a positive development in the future of the Mexican legal system, the older generation has no vested interest in reform. Entrenched in the current practice, any change will create more work for them and render them novices in their lifelong professions. Although the University runs informal training sessions on oral trials, the professors discussed the need for formalized education on substantial and procedural issues related to any reform. Whole textbooks that are currently used will become obsolete once reforms are approved. Although the government has begun to build a new judicial complex, the state Supreme Court and others believe that much more funding will be needed to construct state-of-the-art courtrooms for oral trials.

¶4. Separately, but in a similar vein, the University of San Diego Trans-Border Institute "Justice in Mexico" project held a seminar on "Public Security and Penal Code Reform" in Guadalajara on July 11. The forum brought together academics and practitioners, including the state Secretary for Public Security, to discuss police reform, use of the military for police functions, and many questions connected to reform of the penal code in Mexico. While disagreement between the professors and officials emerged, the forum provided an excellent opportunity to put these concerns on the table in the broader context of judicial reform in Mexico. The next San Diego forum will take place at the end of September in Aguascalientes on the subject of "Legal Ethics and Professional Practice Issues."

¶5. Comment: Given the interest of the new Jalisco administration and the importance of moving forward slowly, but steadily, the Consulate will continue to work with all parties - executive, legislative, judicial, and academic - to assist as we can. Coordinator Jimenez indicated he would welcome USAID's input in this process, and we will seek to set up a meeting with experts for late August or September. End comment.

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